



REGISTER NOTICE

1. TITLE OF THE REGULATIONS:

Delaware Regulation Governing the Control of Air Pollution No. 1142 Section 2: Control of NO_x Emissions from Industrial Boilers and Process Heaters at Petroleum Refineries.

2. BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

The Clean Air Act Amendments of 1990 (CAA) requires Delaware, as part of the Philadelphia-Wilmington-Atlanta City non-attainment area, to attain the 8-hour ozone National Ambient Air Quality Standard (NAAQS) by 2010. Since oxides of nitrogen (NO_x) is one of the two major precursors that form ozone in the lower atmosphere, Delaware must reduce NO_x emissions in order to reduce ambient ozone concentrations, to attain the NAAQS. According to the requirements of US Environmental Protection Agency (EPA), NO_x reductions must be achieved by May of 2009 to ensure attainment by 2010. Delaware's emission inventory data demonstrates that large industrial boilers and process heaters in petroleum refineries in Delaware are significant NO_x emitting sources. Therefore, those large boilers and process heaters should be subject to appropriate NO_x emission controls.

The proposed Regulation 1142 Section 2 will affect large refinery boilers and process heaters with heat input capacities equal to or greater than 200 million British thermal units per hour (mmBTU/hour). By setting up appropriate emission rate limits and control implementation schedules for those units, NO_x emission reductions will be achieved in 2009 to help Delaware attain the ozone NAAQS, and additional reduction will be achieved in 2011-2012 period to help Delaware to maintain the ozone standard once it is attained.

The proposed regulation and the associated NO_x emission reductions will be included in Delaware State Implementation Plan (SIP) revisions to demonstrate Delaware's capability to make reasonable progress towards attainment, to attain the ozone standard in 2010, and to maintain the ozone standard thereafter. Those SIP revisions are due to EPA by June 2007.

In addition to aiding the adequate progress toward, and ultimate attainment of the ozone NAAQS, the proposed regulation will aid Delaware in attaining the fine particulate matter (PM) NAAQS by 2010, help satisfy Delaware's compliance with the federal Clean Air Interstate Rule (CAIR) and the federal Nitrogen Oxides Transport State Implementation Plan (SIP) Call, help satisfy EPA's finding that Delaware failed to submit a Clean Air Act Section 110 SIP addressing upwind interstate transport for the ozone and fine particulate matter NAAQS, and improve visibility.

3. POSSIBLE TERMS OF THE AGENCY ACTION: None.

4. STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:

7 Del. C., Chapter 60, Environmental Control

5. OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL: None

6. NOTICE OF PUBLIC COMMENT:

A public hearing will be held on March 6, 2007, beginning at 6:00 pm, in DNREC Conference Room A, 391 Lukens Drive, New Castle, DE 19720.

7. PREPARED BY:

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